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SENATE BILL 316

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY  
Mark Boitano

AN ACT

RELATING TO CRIMINAL LAW; CREATING A NEW CRIMINAL OFFENSE  
PROHIBITING THE CONSUMPTION OF CERTAIN CONTROLLED SUBSTANCES  
WHILE PREGNANT; PROVIDING A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Controlled Substances Act  
is enacted to read:

"[NEW MATERIAL] CONSUMPTION OF A CONTROLLED SUBSTANCE  
WHILE PREGNANT.--

A. Consumption of a controlled substance while  
pregnant consists of knowingly and intentionally:

(1) consuming a controlled substance, the  
possession of which is prohibited pursuant to the Controlled  
Substances Act, when the person knows or should know that she  
is pregnant; or

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(2) causing another person to consume a controlled substance, the possession of which is prohibited pursuant to the Controlled Substances Act, when the person knows or should know that the other person is pregnant.

B. A person who commits consumption of a controlled substance while pregnant is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2008.